

**REMARKS****Claims**

Claims 1-10, 14-18, 23-32, and 36-40 were pending at last Office Action. Claims 6, 10 and 28 have been objected to. Claims 1-10, 14-18, 23-32, and 36-40 have been rejected.

**Objections**

The Office Action has objected to claim 6 as being duplicated with claim 1.

Claim 6 has been canceled.

The Office Action has objected to claim 10 as being improperly dependent upon claim 1.

Claim 10 has been amended to depend upon claim 9 thus resolving the insufficiency of antecedent basis. Entry into the record and reconsideration is respectfully requested.

The Office Action has objected to claim 28 as being duplicated with claim 23.

Claim 28 has been canceled.

**Rejections under 35 USC §103**

The Office Action has rejected Claims 1-10, 14-18, 23-32, and 36-40 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,735,717 issued to Rostowfskc et al. (herein Rostowfske) in view of U.S. Patent No. 6,738,812 issued to Hara et al. (herein Hara). These rejections are traversed, except as to claims 6 and 28 which have been canceled.

Claim 1. As to claim 1, it is respectfully submitted that the Office Action does not show that Rostowske in view of Hara discloses, teaches or renders obvious all the limitations of claim 1.

For example, claim 1 recites, in part, "... *a plurality of element management servers to manage a set of network elements, ...*".

The Examiner has written "... *As to claim 1, Rostowske discloses the invention as claimed, including ... a plurality of element management servers (22, 32, fig. 1) to manage a set of network elements (14, 16, fig. 1; col. 8, lines 43-65), ...*". But, Rostowske identifies refs. 22, 32 of his fig. 1 as *primary server* and *secondary server*, respectively.

There is no suggestion in *Rostowske* that the *primary server* and *secondary server* of *Rostowske* function as *element management servers*, nor is such functionality obvious as to the disclosures of *Rostowske*. *Rostowske* describes in some depth how his servers incorporate and synchronize tuple spaces (for example *Rostowske* col.7 lines 42-45) but the presently claimed *network elements* are not incorporated within the servers that manage them (unlike the things managed in *Rostowske*) and, furthermore, *tuple spaces* are well-known to be disparate from *Network elements* in the relevant arts. Neither, in the context of the presently claimed invention, can *network elements* meaningfully be incorporated within the *element management servers* that manage them, thus whatever things *Rostowske*'s servers manage, they are not the presently claimed *network elements* that are managed.

Moreover, *Rostowske* correctly identifies refs. 14, 16 of his fig. 1 as *hubs*. This position is further supported by *Rostowske* (col. 8, lines 46-47). It is respectfully

submitted that even if, purely for the sake of argument, it were reasonable to regard the “primary server and secondary server of *Rostowske*” and the “hubs of *Rostowske*” as “element management servers” and “network elements” respectively, there is still no suggestion in of *Rostowske* that his “primary server and secondary server” serve to manage his “hubs”. *Rostowske* simply does not address the management of hubs.

As a further example, claim 1 recites, in part, “... *a peered service resident on each of said plurality of element management servers to handle a request from a client ...*”. The Examiner has written “... *As to claim 1, Rostowske ... a peered service resident on each of said plurality of element management servers to handle a request from a client* (42-48, fig. 1) col. 3, lines 44-59; col. 4, lines 22-53). ... ”.

But, there is no suggestion in *Rostowske* that on his servers reside any peered services at all, still less the claimed peered services. Please refer to paragraph [0040] in the Specification of the present application which recites, in part, “... *federated services are applications that independently provide a local view ... In contrast, peered services facilitate the load balancing of clients to consolidated data ..*” (emphasis added) *Rostowske* discloses services that are federated rather than peered; and Section 10 of the Office Action which reads, in part, “*Rostowske discloses a federated service... (26, 36, 24, 34, fig. 1; col. 4, lines 22-53; col. 5, lines 21-39; col. 9, lines 1-17)*” tends to support that position and further to acknowledge that peered services are disparate from federated services.

As a still further example, claim 1 recites, in part, “... *said master server to determine which of said plurality of element management servers to manage each of said set of one or more network elements...*”. The Examiner has written “... *Hara discloses*

*master server to determine which of said plurality of element management servers to manage each of said set of one or more network elements (col. 5, lines 41-53; col. 7, lines 5-54; col. 2, lines 31-50). ... ".* But, *ibid*, *Hara* merely describes the assignment of *applications (API)* and the registration/deletion of *MIB processing routines* to his slave servers. There is no suggestion in *Hara* that the *applications (API)* and the *MIB processing routines* of *Hara* can function as "network elements" nor is such functionality obvious as to the disclosures of *Hara*. Indeed, it is well-known in the arts that *applications* and *routines* are disparate from *network elements*.

Thus, for at least the reasons recited *supra*, *Rostowske* and *Hara*, separately and/or in combination, cannot disclose, teach or render obvious all the limitations of claim 1, and it is respectfully requested that the rejection of claim 1 under 35 USC §103 as to *Rostowske* and *Hara*, separately and in combination, be withdrawn.

Claims 2-5, 7-10 and 14-18. As to claims 2-5, 7-10 and 14-18, it is respectfully submitted that claims 2-5, 7-10 and 14-18 are dependent, directly or indirectly, upon claim 1 therefore it is respectfully submitted that claims 2-5, 7-10 and 14-18 each allowable for at least the same reasons as claim 1.

Thus, *Rostowske* and *Hara*, separately and/or in combination, cannot disclose, teach or render obvious all the limitations of claims 2-5, 7-10 and 14-18, and it is respectfully requested that the rejection of claims 2-5, 7-10 and 14-18 under 35 USC §103 as to *Rostowske* in view of *Hara* be withdrawn.

Claims 23-27, 29-32 and 36-40. As to Claims 23-27, 29-32 and 36-40, these machine-readable medium claims reflect claims 1-5, 7-10 and 14-18 respectively and correspondingly. Thus it is respectfully submitted that 23-27, 29-32 and 36-40 are

allowable for at least the same reasons as claims 1-5, 7-10 and 14-18 respectively. Hence, it is respectfully requested that the rejection of claims 23-27, 29-32 and 36-40 under 35 USC §103 as to *Rostowfske* in view of *Hara* be withdrawn.

SUMMARY

Claims 1-5, 7-10, 14-18, 23-27, 29-32, and 36-40 remain in the application.

Claims 6 and 28 have been canceled. Claim 10 has been amended.

It is respectfully submitted that the present application is now in condition for allowance.

If the Examiner believes a telephone conference would expedite or assist disposition of the present application, the Examiner is invited to call the undersigned at (408) 720-8300 (Pacific Time).

Authorization is hereby given to charge our Deposit Account No. 02-2666 for any charges that may be due.

Respectfully submitted,

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Date: AUGUST 5, 2005



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